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COMMITTEE ON THE ELIMINATION OF R[illegible] DISCRIMINATION

Fifty-ninth session

SUMMARY RECORD OF THE 1460th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 March 2001, at 10 a.m.

Chairman: Mr. SHERIFIS
later: Mr VALENCIA RODRÍGUEZ

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (item 6 of the agenda) (continued)

Draft concluding observations on the fifteenth periodic report of Germany (CERD/C/58/Misc.21/Rev.3, distributed at the meeting, in English only)

1. The CHAIRMAN invited the members of the Committee to consider the draft concluding observations on the fifteenth periodic report of Germany paragraph by paragraph.

Paragraphs 1 to 4

2. Paragraphs 1 to 4 were subject to minor drafting changes.

Paragraph 5

3. Mr. ABOUL-NASR suggested that the word "racist" should be inserted before "extreme right-wing associations", since otherwise it was hard to see why the Committee was satisfied by the fact that, since the State party's previous report, additional extreme right-wing associations had been banned. Indeed, what interested the Committee was the prohibition of racist organizations.

4. Mr. RECHETOV shared that view and added that the term "extreme right-wing" used without a qualifier could be interpreted differently depending on the country.

5. Mr. BOSSUYT (Rapporteur for Germany) pointed out that the wording contained in the draft concluding observations was that used by the State party and that it was not up to the Committee to say whether the ten extreme right-wing organizations that had been banned were racist.

6. On a proposal by Mr. de GOUTTES, the CHAIRMAN suggested that the second part of the first sentence should read as follows: "the Committee welcomes the information that since the State party's previous report additional extreme right-wing associations have been banned."

7. Paragraph 5, as amended, was adopted.

Paragraphs 6 and 7

8. Paragraphs 6 and 7 were subject to minor drafting changes.

Paragraph 8

9. Mr. YUTZIS was troubled by the fact that only the Sintis and the Roms had been cited as groups able to claim compensation from the Foundation for the compensation of persons subjected to forced labour under the Nazi regime.

10. Mr. DIACONU said that the paragraph would be pointless unless it mentioned the Sintis and the Roms, since the issue of the role of the Foundation for the compensation of persons subjected to forced labour did not fall within the Committee's purview in the absence of any reference to ethnic groups.

11. The CHAIRMAN suggested that, without referring explicitly to the Sintis and the Roms, the Committee should welcome the fact that all ethnic groups could benefit from the Foundation's services

12. Mr. ABOUL-NASR said that an assurance was needed ethnic groups were placed on an equal footing with regard to compensation from the Foundation.

13. Mr. BOSSUYT (Rapporteur for Germany) said that the Foundation was intended to compensate all persons who had been subjected to forced labour during the Nazi era and that the specific reference to the Sintis and the Roms was justified by the fact that the situation of those two groups was of particular interest to the Committee. However, in order to take account of the many opinions expressed, he suggested that paragraph 8 be amended to state that the Committee noted the establishment of the Foundation for the compensation of persons subjected to forced labour under the Nazi regime and welcomed the fact that it would benefit the Sintis and the Roms.

14. Paragraph 8, as amended, was adopted.

Paragraph 9

15. Ms. JANUARY-BARDILL suggested that not only persons suffering from AIDS but also those with HIV should be mentioned.

16. Paragraph 9, as amended, was adopted.

Paragraph 10

17. Paragraph 10 was adopted.

Paragraph 11

18. Mr. ABOUL-NASR noted that paragraph 11 spoke of the ill-treatment inflicted on foreigners in German police stations. Reference should perhaps also be made refer to German citizens who were members of national minorities and who were sometimes also subjected to ill-treatment.

19. Mr. DIACONU did not share that view. The comment made could not be extended to include the members of all minorities since, for example, the members of the Danish minority were rarely subjected to ill-treatment in German police stations. Furthermore, paragraph 11 dealt essentially with the treatment of foreigners in Germany, not with that of members of the various national minorities.

20. Paragraph 11 was adopted.

Paragraph 12

21. Paragraph 12 was adopted.

Paragraph 13

22. Mr. ABOUL-NASR noted that paragraph 13 referred to the fact that the State party had ratified a number of European treaties. He wondered whether the Committee really needed to mention the regional arrangements concluded by the States parties, and for that reason suggested that the paragraph should be deleted.

23. Mr. THORNBERRY recalled that in other draft concluding observations recently adopted, the Committee had mentioned the fact that certain States parties had ratified ILO Convention No. 169, which was related to the Convention on the Elimination of Racial Discrimination. The same was true of the Council of Europe Framework Convention for the Protection of National Minorities, and he therefore thought that paragraph 13 should be maintained.

24. Ms. JANUARY-BARDILL noted that, according to the current wording of paragraph 13, "some members" of the Committee encouraged the State party to take additional steps to give the same status to "new" minorities as to minorities that had been settled in Germany for a long time. She asked why that restrictive form of words had been used.

25. Mr. BOSSUYT (Rapporteur for Germany) said that some members of the Committee had felt that there was a big difference between the protection that should be granted to minorities and that which should be granted, for example, to migrant workers.

26. Mr. DIACONU said he did not think that the paragraph would lose in substance if the Committee did not mention the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. In response to Ms. January-Bardill, he suggested that the paragraph should be couched in more general terms drawing the State party's attention to General Recommendation XXIV of the Committee.

27. Paragraph 13, as amended, was adopted.

Paragraph 14

28. Paragraph 14 was adopted.

Paragraph 15

29. The CHAIRMAN said that, in accordance with the decision taken at the 1458th meeting, the end of the paragraph should now read as follows: "the Committee recommends that the possibility of such a declaration be further considered".

30. Paragraph 15, as amended, was adopted.

Paragraphs 16 and 17

31. Paragraphs 16 and 17 were adopted.

32. The draft concluding observations of the Committee on the fifteenth periodic report of Germany, as amended, were adopted in their entirety.

Draft concluding observations of the Committee on the eleventh periodic report of Sudan (CERD/C/58/Misc.23/Rev.2, distributed at the meeting, in English only) (continued))

33. The CHAIRMAN invited the members of the Committee to resume consideration of the draft concluding observations on the eleventh periodic report of Sudan.

Paragraphs 10 and 11

34. Paragraphs 10 and 11 were adopted.

Paragraph 12

35. Mr. ABOUL-NASR expressed surprise at the Committee's statement of concern about the abduction of women and children in Government-controlled territories only. He proposed that the words "residing in Government-controlled territories" should be deleted. Furthermore, the paragraph mentioned the State party's statements explaining the practice of abduction, and those statements should be faithfully reflected. The Sudanese delegation had used the term "abduction" exclusively and had never used the term "enslavement", contrary to the wording of paragraph 12. He therefore proposed that the words "and enslavement" in the second sentence of the paragraph should be deleted.

36. Mr. TANG and Mr. SHAHI endorsed that proposal.

37. Paragraph 12, as amended, was adopted.

Paragraph 13

38. Paragraph 13 was adopted.

Paragraph 14

39. Mr. ABOUL-NASR, supported by Mr. PILLAI and Mr. YUTZIS, proposed that the words "and natural disasters" should be inserted in the first sentence after the words "due to the civil war". Indeed, drought and civil war were two factors which explained population movements in Sudan.

40. Mr. BOSSUYT suggested that the word "inadvertently" in the last sentence should be deleted.

41. Mr. THORNBERRY, supported by Ms. McDOUGALL, Mr. de GOUTTES and Mr. PILLAI, suggested that the words "to recognize the right to free return" in the second sentence of the paragraph should be replaced by the words "to implement the right to free return". He explained that the verb "to implement" was stronger than "to recognize" and that it also gave the State party some room for manoeuvre in terms of how it wished to implement the right of displaced persons to return to their homes.

42. Paragraph 14, as amended, was adopted.

Paragraph 15

43. Mr. BOSSUYT proposed deleting the first part of the second sentence of paragraph 15, which would begin with the words "The Committee recommends", leaving the remainder of the sentence unchanged.

44. Paragraph 15, as amended, was adopted.

Paragraph 16

45. Mr. PILLAI suggested that the term "case law" in the first part of the sentence should be replaced by "cases", since the Committee tended to be interested in cases rather than in "case law".

46. Paragraph 16, as amended, was adopted.

Paragraph 17

47. Paragraph 17 was adopted.

Paragraph 18

48. The CHAIRMAN said that, in accordance with the decision taken by the Committee at its 1458th meeting, the words "some members of the Committee" in the second part of the sentence should be replaced by "the Committee".

49. Paragraph 18, as amended, was adopted.

Paragraphs 19 and 20

50. Paragraphs 19 and 20 were adopted.

51. The CHAIRMAN invited the Committee to resume consideration of paragraph 5, which had been suspended at the previous meeting.

Paragraph 5

52. Following a discussion in which Mr. ABOUL-NASR, Mr. FALL, Mr. THORNBERRY, Mr. RECHETOV, Mr. DIACONU, Mr. TANG and Mr. BOSSUYT, took part, Ms. JANUARY-BARDILL (Rapporteur for Sudan) proposed the following wording for paragraph 5: "The Committee welcomes the adoption by national referendum of the 1998 Constitution and commends the fact that the Constitution recognizes the cultural diversity of Sudan. In this regard, the Committee notes the efforts by all parties to implement the constitutional decree 14 of 1997 (Khartoum Peace Agreement) which will end with a general referendum in the south for either unity or separation".

53. Paragraph 5, as amended, was adopted.

54. The draft concluding observations of the Committee on the eleventh periodic report of Sudan, as amended, were adopted in their entirety.

55. Mr. VALENCIA RODRÍGUEZ took the Chair.

Implementation of the Convention in States parties whose periodic reports are excessively overdue (continued)

Sierra Leone

56. Mr. DIACONU (Rapporteur for Sierra Leone) said that Sierra Leone headed the list of countries whose periodic reports were excessively overdue, as it had not submitted a report since 1974. In 1995, the Committee had nevertheless considered the situation in the country in the absence of a report and of a delegation from the State party. In 1974, the Committee had underscored the existence of numerous problems in the country and had asked the State party to submit its next report in 1975. The Committee had not received a report in response to that request and had sent the Government a reminder, to no avail.

57. Sierra Leone, a country with four million inhabitants and 20 ethnic groups, had suffered from internal strife since 1991. Civil war had broken out in 1996, and since then civilian and military governments had followed one another, the former being overthrown by the latter. It nevertheless appeared that the rebels received no support based on ethnic ties.

58. In 1999 and 2000, the United Nations had paid special attention to the human rights situation in Sierra Leone. A Security Council mission had been asked to ensure implementation of the peace agreements in cooperation with the Government and the parties to the conflict. In addition, steps had been taken to facilitate the flow of humanitarian aid and assistance had been offered with a view to holding elections in the country. Moreover, the Security Council had decided to establish a special court for Sierra Leone so that those responsible for serious violations of international humanitarian law and domestic law committed since 1996 could be prosecuted. The court's special statute had been adopted in August 2000.

59. He concluded by suggesting that the members of the Committee continue their consideration of the situation in Sierra Leone under the urgent action procedure at forthcoming

sessions and ask the Government of Sierra Leone to resume its dialogue with the Committee, reminding it of the growing delay in the submission of its periodic reports.

60. Mr. FALL emphasized that the longstanding civil war had prompted numerous Sierra Leoneans to seek refuge in neighbouring countries, including Guinea, where they numbered 400,000. As the rebels controlled a large part of the territory, the Government did not exercise authority over the entire country. Moreover, since the State lacked a solid foundation and the human rights situation was especially grave, the Security Council had decided to postpone the elections that were to have taken place in 2001. The Committee should therefore continue closely monitoring developments in Sierra Leone.

61. Mr. SHAHI requested clarification concerning the nature of the conflict in the State party. Was it an ethnic conflict? The Committee should also examine which recommendations could be usefully included in its concluding observations in addition to the recommendations on the submission of periodic reports.

62. Mr. de GOUTTES said that certain aspects of the situation in Sierra Leone were of interest to the Committee, namely the presence of refugees in neighbouring countries and the fact that certain ethnic groups apparently suffered more than others.

63. Mr. YUTZIS found it regrettable that the Committee was obliged once again to decide to continue consideration of a situation in terms of preventive measures, whereas the conflict in the State party concerned had been raging for many years.

64. The CHAIRMAN said that, if there were no objections, he would take it that the Committee approved the Rapporteur's observations on the situation in Sierra Leone.

The meeting rose at 1.05 p.m.